

- [Query](#)
- [Reports](#)
- [Utilities](#)
- Help
- [Log Out](#)

**United States District Court  
Western District of Michigan (Southern Division (1))  
CIVIL DOCKET FOR CASE #: 1:18-cv-01156-JTN-ESC**

Varnum LLP v. United States Department of Labor  
Assigned to: Judge Janet T. Neff  
Referred to: Magistrate Judge Ellen S. Carmody  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/09/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**plaintiff**

**Varnum LLP**

represented by **Perrin Rynders**  
Varnum Riddering Schmidt & Howlett LLP  
(Grand Rapids)  
Bridgewater Place  
333 Bridge St., NW  
P.O. Box 352  
Grand Rapids, MI 49501-0352  
(616) 336-6734  
Fax: (616) 336-7000  
Email: prynders@varnumlaw.com  
**ATTORNEY TO BE NOTICED**

**Seth B. Arthur**  
Varnum LLP  
333 Bridge St., NW  
P.O. Box 352  
Grand Rapids, MI 49501  
(616) 336-6909  
Email: sbarthur@varnumlaw.com  
**ATTORNEY TO BE NOTICED**

**Aaron M. Phelps**  
Varnum Riddering Schmidt & Howlett LLP  
(Grand Rapids)  
Bridgewater Place  
333 Bridge St., NW  
P.O. Box 352  
Grand Rapids, MI 49501-0352  
(616) 336-6257  
Email: amphelps@varnumlaw.com  
**ATTORNEY TO BE NOTICED**

V.

**defendant**

**United States Department of Labor**

represented by **Carolyn Ann Almassian**  
U.S. Attorney (Grand Rapids)  
The Law Bldg.  
330 Ionia Ave., NW  
P.O. Box 208  
Grand Rapids, MI 49501-0208  
(616) 808-2028  
Email: Carolyn.Almassian@usdoj.gov  
**ATTORNEY TO BE NOTICED**

**intervenor**

**Blue Cross Blue Shield of Michigan Mutual Insurance Co.**

represented by **Andrew J. Clopton**  
Jones Day  
150 W Jefferson Ave., Ste. 2100  
Detroit, MI 48226  
(313) 733-3939  
Email: aclopton@jonesday.com  
**ATTORNEY TO BE NOTICED**

**Arthur T. O'Reilly**  
Jones Day  
150 W Jefferson Ave., Ste. 2100  
Detroit, MI 48226  
(313) 230-7925  
Email: atoreilly@jonesday.com  
**ATTORNEY TO BE NOTICED**

**C. Kevin Marshall**  
Jones Day (DC)  
51 Louisiana Ave., NW  
Washington, DC 20001-2113  
(202) 879-3851  
Email: ckmmarshall@jonesday.com  
**ATTORNEY TO BE NOTICED**

**Michelle R. Heikka**  
Blue Cross Blue Shield of Michigan (Detroit)  
600 E Lafayette., P.O Box 1925  
Detroit, MI 48226  
(818) 988-2640  
Email: mheikka@bcbsm.com  
**ATTORNEY TO BE NOTICED**

**Rebecca D'Arcy O'Reilly**  
Bodman LLP (Detroit)  
6th Fl. at Ford Field  
1901 St. Antoine St.  
Detroit, MI 48226  
Email: roreilly@bodmanlaw.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/09/2018	<a href="#">1</a>	COMPLAINT for Declaratory and Injunctive Relief against United States Department of Labor filed by Varnum LLP (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6) (Phelps, Aaron) (Entered: 10/09/2018)
10/09/2018		FILING FEE PAID re <a href="#">1</a> by plaintiff Varnum LLP in the amount of \$400, receipt number 0646-4258616 (Phelps, Aaron) (Entered: 10/09/2018)
10/11/2018	<a href="#">2</a>	NOTICE that this case has been assigned Janet T. Neff ; with NOTICE OF DEFICIENCY re corporate disclosure statement (ems) (Entered: 10/11/2018)

10/11/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor ( <i>none provided; please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> ) (ems) (Entered: 10/11/2018)
10/11/2018	<a href="#">3</a>	PROPOSED SUMMONS to be issued re <a href="#">1</a> (Phelps, Aaron) (Entered: 10/11/2018)
10/11/2018	<a href="#">4</a>	CORPORATE DISCLOSURE STATEMENT by Varnum LLP (Phelps, Aaron) (Entered: 10/11/2018)
10/12/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor ; <i>please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> (pjw) (Entered: 10/12/2018)
10/12/2018	<a href="#">5</a>	PROPOSED SUMMONS to be issued re <a href="#">1</a> (Phelps, Aaron) (Entered: 10/12/2018)
10/15/2018	<a href="#">6</a>	SUMMONS ISSUED as to defendant United States Department of Labor, U.S. Attorney and U.S. Attorney General (ems) (Entered: 10/15/2018)
11/15/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Carolyn Ann Almassian on behalf of defendant United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)
11/15/2018	<a href="#">7</a>	ANSWER to complaint, <a href="#">1</a> with affirmative defenses by United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)
11/15/2018	<a href="#">8</a>	ORDER setting Rule 16 scheduling conference: Rule 16 scheduling conference is set for 1/2/2019 at 11:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 12/26/2018; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/15/2018)
11/19/2018	<a href="#">9</a>	UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit 1) (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	<a href="#">10</a>	BRIEF in support of UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <a href="#">9</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	<a href="#">11</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <a href="#">9</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/20/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew J. Clopton on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Clopton, Andrew) (Entered: 11/20/2018)
11/20/2018	<a href="#">12</a>	ORDER granting <a href="#">9</a> unopposed motion for intervention; Blue Cross Blue Shield of Michigan Mutual Insurance Company, shall no later than 11/27/2018, file an answer consistent with the proposed answer; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/20/2018)
11/21/2018	<a href="#">13</a>	REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> (Phelps, Aaron) (Entered: 11/21/2018)
11/21/2018	<a href="#">14</a>	ANSWER to complaint, <a href="#">1</a> with affirmative defenses by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/21/2018)
11/21/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of C. Kevin Marshall on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 11/21/2018)
11/26/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Rebecca D'Arcy O'Reilly on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Rebecca) (Entered: 11/26/2018)
11/27/2018	<a href="#">15</a>	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> <a href="#">13</a> and Defendant United States Department of Labor's Pre-Motion Conference Request and Response to Plaintiff's Pre-Motion Conference Request; filed by United States Department of Labor (Almassian, Carolyn) Modified text on 11/29/2018 (ems). (Entered: 11/27/2018)
11/28/2018	<a href="#">16</a>	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> <a href="#">13</a> ; filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/28/2018)
12/04/2018	<a href="#">17</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">13</a> : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)

12/04/2018	<a href="#">18</a>	ORDER rescheduling Rule 16 conference: Rule 16 scheduling conference rescheduled to 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 1/2/2019; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)
12/04/2018	<a href="#">19</a>	RESPONSE TO <a href="#">15</a> <i>United States Department of Labor's Pre-Motion Conference Request</i> filed by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 12/04/2018)
12/13/2018	<a href="#">20</a>	REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> (O'Reilly, Arthur) (Entered: 12/13/2018)
12/14/2018	<a href="#">21</a>	RESPONSE TO REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> <a href="#">20</a> and <i>Department of Labor Pre-Motion Conference Request</i> <a href="#">15</a> ; filed by Varnum LLP (Phelps, Aaron) Modified text on 12/14/2018 (ems). (Entered: 12/14/2018)
12/17/2018	<a href="#">22</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">20</a> : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/17/2018)
01/02/2019	<a href="#">23</a>	JOINT STATUS REPORT (Phelps, Aaron) (Entered: 01/02/2019)
01/09/2019	<a href="#">24</a>	MOTION to stay by defendant United States Department of Labor; (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	<a href="#">25</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <a href="#">24</a> filed by United States Department of Labor (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	<a href="#">26</a>	ORDER granting to an extent <a href="#">24</a> motion to stay; notice cancelling today's proceedings to issue; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	<a href="#">27</a>	NOTICE cancelling today's Rule 16 scheduling conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	<a href="#">28</a>	NOTICE cancelling today's pre-motion conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
02/01/2019	<a href="#">29</a>	UNOPPOSED MOTION for order <i>To Lift Stay</i> by defendant United States Department of Labor; (Attachments: # <a href="#">1</a> Proposed Order to Lift Stay) (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/01/2019	<a href="#">30</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for order <i>To Lift Stay</i> <a href="#">29</a> filed by United States Department of Labor (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/20/2019	<a href="#">31</a>	ORDER granting <a href="#">29</a> motion to lift stay; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/20/2019)
02/20/2019	<a href="#">32</a>	MOTION to stay <i>proceedings</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit A) (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	<a href="#">33</a>	BRIEF in support of MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	<a href="#">34</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
03/01/2019	<a href="#">35</a>	NOTICE re <a href="#">32</a> of <i>Supplemental Authority</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # <a href="#">1</a> Exhibit A) (Marshall, C.) (Entered: 03/01/2019)
03/06/2019	<a href="#">36</a>	RESPONSE TO MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Varnum LLP (Attachments: # <a href="#">1</a> Exhibit A - Settlement Agreement with BCBSM, # <a href="#">2</a> Exhibit B - Stipulated Protective Order, # <a href="#">3</a> Exhibit C - Trial Exhibits 524-527, # <a href="#">4</a> Exhibit D - Forms 5500, # <a href="#">5</a> Exhibit E - Information re Form 5500 Series, # <a href="#">6</a> Exhibit F - Search, # <a href="#">7</a> Exhibit G - FreeERISA Benefits website) (Phelps, Aaron) (Entered: 03/06/2019)
03/12/2019	<a href="#">37</a>	UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> <a href="#">32</a> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 03/12/2019)
03/12/2019	<a href="#">38</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> <a href="#">32</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 03/12/2019)

03/13/2019	<a href="#">39</a>	ORDER denying <a href="#">32</a> motion to stay; granting <a href="#">37</a> motion for leave to file; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 03/13/2019)
03/13/2019	<a href="#">40</a>	REPLY to response to motion <a href="#">32</a> (as filed per Order <a href="#">39</a> ) filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 03/13/2019)
03/14/2019	<a href="#">41</a>	ORDER scheduling a pre-motion conference regarding document numbers <a href="#">13</a> , <a href="#">20</a> : pre-motion conference is set for 4/26/2019 at 01:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/14/2019)
04/26/2019	<a href="#">42</a>	MINUTES of pre-motion conference re <a href="#">13</a> , <a href="#">20</a> held before Judge Janet T. Neff (Court Reporter: Paul Brandell) (Judge Janet T. Neff, rmw) (Entered: 04/26/2019)
04/26/2019		(NON-DOCUMENT) ATTORNEY APPEARANCE of Perrin Rynders on behalf of plaintiff Varnum LLP (Rynders, Perrin) (Entered: 04/26/2019)
04/26/2019		(NON-DOCUMENT) ATTORNEY APPEARANCE of Seth B. Arthur on behalf of plaintiff Varnum LLP (Arthur, Seth) (Entered: 04/26/2019)
04/26/2019	<a href="#">43</a>	PRE-MOTION CONFERENCE ORDER setting forth the briefing schedule re anticipated motions for summary judgment; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 04/26/2019)
04/29/2019		(NON-DOCUMENT) ATTORNEY APPEARANCE of Michelle R. Heikka on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Heikka, Michelle) (Entered: 04/29/2019)
05/24/2019	<a href="#">44</a>	NOTICE re <a href="#">43</a> <i>Proof of Delivery</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # <a href="#">1</a> Exhibit A (Cover Letter), # <a href="#">2</a> Exhibit B (Proof of Delivery)) (Marshall, C.) (Entered: 05/24/2019)
07/22/2019	<a href="#">45</a>	PROOF OF SERVICE by plaintiff Varnum LLP for Joint Statement of Facts, Plaintiff's Motion for Summary Judgment, Brief in Support of Plaintiff's Motion for Summary Judgment, and Exhibits (Arthur, Seth) (Entered: 07/22/2019)
08/19/2019	<a href="#">46</a>	CERTIFICATE OF SERVICE by defendant United States Department of Labor for Defendant's Response to Motion For Summary Judgment and Memorandum In Support of Cross Motion For Summary Judgment (Almassian, Carolyn) (Entered: 08/19/2019)
08/19/2019	<a href="#">47</a>	CERTIFICATE OF SERVICE by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. for BCBSM's Cross-Motion for Summary Judgment, Brief in Support thereof and in Opposition to Varnum's Motion for Summary Judgment, and Declaration (Marshall, C.) (Entered: 08/19/2019)
09/03/2019	<a href="#">48</a>	MOTION for summary judgment by plaintiff Varnum LLP; (Arthur, Seth) (Entered: 09/03/2019)
09/03/2019	<a href="#">49</a>	JOINT EXHIBIT BOOK re MOTION for summary judgment <a href="#">48</a> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J, # <a href="#">11</a> Exhibit K, # <a href="#">12</a> Exhibit L, # <a href="#">13</a> Exhibit M, # <a href="#">14</a> Exhibit N) (Arthur, Seth) Modified text on 9/3/2019 (ems). (Entered: 09/03/2019)
09/03/2019	<a href="#">50</a>	JOINT STATEMENT of material facts re MOTION for summary judgment <a href="#">48</a> (Arthur, Seth) (Entered: 09/03/2019)
09/03/2019	<a href="#">51</a>	BRIEF in support of MOTION for summary judgment <a href="#">48</a> filed by Varnum LLP (Arthur, Seth) (Entered: 09/03/2019)
09/03/2019	<a href="#">52</a>	MOTION for summary judgment ( <i>Defendant's Cross-Motion For Summary Judgment</i> ) by defendant United States Department of Labor; (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019)
09/03/2019	<a href="#">53</a>	RESPONSE TO MOTION for summary judgment <a href="#">48</a> ( <i>Defendant's Response to Motion For Summary Judgment</i> <a href="#">48</a> and <i>Memorandum in Support of Cross Motion For Summary Judgment</i> <a href="#">52</a> ) filed by United States Department of Labor (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019)
09/03/2019	<a href="#">54</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION for summary judgment ( <i>Defendant's Cross-Motion For Summary Judgment</i> <a href="#">52</a> ) filed by United States Department of Labor (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019)
09/03/2019	<a href="#">55</a>	CROSS MOTION for summary judgment by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Marshall, C.) (Entered: 09/03/2019)

09/03/2019	<a href="#">56</a>	BRIEF in support of CROSS MOTION for summary judgment <a href="#">55</a> and in opposition to Varnum's Motion for Summary Judgment <a href="#">48</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 09/03/2019)
09/03/2019	<a href="#">57</a>	REPLY to response to motion <a href="#">48</a> , RESPONSE TO CROSS MOTION for summary judgment <a href="#">55</a> filed by Varnum LLP (Arthur, Seth) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019)
09/10/2019	<a href="#">58</a>	UNOPPOSED MOTION for leave to file <i>Reply in Support of Cross-Motion for Summary Judgment</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 09/10/2019)
09/10/2019	<a href="#">59</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>Reply in Support of Cross-Motion for Summary Judgment</i> <a href="#">58</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 09/10/2019)
09/12/2019	<a href="#">60</a>	ORDER granting <a href="#">58</a> motion for leave to file reply; the Clerk of Court shall accept for filing the proposed reply (ECF No. 58-1); signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 09/12/2019)
09/12/2019	<a href="#">61</a>	REPLY to response to motion <a href="#">55</a> (as filed per Order <a href="#">60</a> ) filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 09/13/2019)